

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-30042 MLW
)	
CESAR CRUZ, and)	
RICARDO DIAZ)	

DEFENDANTS' MOTION FOR ACCOMMODATIONS DURING TRIAL

Now come the defendants herein and respectfully request that this Court provide accommodations at the YMCA, or a suitable halfway house, beginning the evening before the trial, and continuing until the verdict.

The defendants state as grounds for this request the following:

1. The defendants in this case are indigent, represented by counsel appointed under the Criminal Justice Act.
2. This case has been transferred from the Western Division of the District of Massachusetts to alleviate docket congestion, and the practice of each assigned counsel is located in Hampden County. Daily travel to court would be impractical in light of the distance involved and the traffic problems which continue in Boston and the surrounding area.
3. Accommodations in proximity to the court have been helpful in that it avoided delay arising from traffic problems and the defendants' limited access to transportation.

Wherefore the defendant respectfully requests that the above-described relief be granted.

DATED: December 14, 2006

Respectfully submitted,
Ricardo Diaz, Defendant

Respectfully submitted,
Cesar Cruz, Defendant

By: /s/ Terry Scott Nagel
Terry Scott Nagel, Esq.
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Springfield, MA 01103
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By: /s/ Joseph Franco
Joseph Franco
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 14, 2006

/s/ Terry Scott Nagel

**AFFIDAVIT IN SUPPORT OF
MOTION FOR ACCOMMODATIONS**

NOW comes the undersigned Terry Scott Nagel and says

1. My name is Terry Scott Nagel. I am a member of the bar of the Commonwealth of Massachusetts in good standing. I have defended over 40 persons charged with homicide. I have been a Criminal Justice Panel attorney for more than ten years.
2. The factual allegations in the foregoing motion are true and accurate to the best of my knowledge and belief.
3. Both defendants have been determined to be of limited financial means. Mr. Diaz has no car, and has been forbidden to travel with Mr. Cruz. He will have to depend on public transportation for travel between Springfield and Boston.

Signed under the pains and penalties of perjury,

/s/Terry Scott Nagel
Terry Scott Nagel

Dated: December 14, 2006